

SECOND REGULAR SESSION

# SENATE BILL NO. 924

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR KLINDT.

Read 1st time January 23, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4742S.011

## AN ACT

To amend chapter 59, RSMo, by adding thereto eight new sections relating to the uniform real property electronic recording act, with an effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 59, RSMo, is amended by adding thereto eight new sections, to be known as sections 59.900, 59.903, 59.906, 59.909, 59.912, 59.915, 59.918, and 59.921, to read as follows:

**59.900. Sections 59.900 to 59.921 may be cited as the "Uniform Real Property Electronic Recording Act".**

**59.903. As used in sections 59.900 to 59.921, the following terms mean:**

(1) "Document", information that is:

(a) Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(b) Eligible to be recorded in the land records maintained by the recorder;

(2) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar properties;

(3) "Electronic document", a document that is received by the recorder in an electronic format;

(4) "Electronic signature", an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document;

(5) "Person", an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity;

19           (6) "Recorder", the separate recorder of deeds in those counties  
20 where separate from the circuit clerk and the circuit clerk and ex officio  
21 recorder of deeds in those counties where the offices are combined;

22           (7) "State", a state of the United States, the District of Columbia,  
23 Puerto Rico, the United States Virgin Islands, or any territory or insular  
24 possession subject to the jurisdiction of the United States.

          59.906. 1. If a law requires, as a condition for recording, that a  
2 document be an original, be on paper or another tangible medium, or be  
3 in writing, the requirement is satisfied by an electronic document  
4 satisfying sections 59.900 to 59.921.

5           2. If a law requires, as a condition for recording, that a document  
6 be signed, the requirement is satisfied by an electronic signature.

7           3. A requirement that a document or a signature associated with  
8 a document be notarized, acknowledged, verified, witnessed, or made  
9 under oath is satisfied if the electronic signature of the person  
10 authorized to perform that act, and all other information required to be  
11 included, is attached to or logically associated with the document or  
12 signature. A physical or electronic image of a stamp, impression, or seal  
13 need not accompany an electronic signature.

          59.909. 1. As used in this section, the term "paper document"  
2 means a document that is received by the recorder in a form that is not  
3 electronic.

4           2. A recorder:

5           (1) Who implements any of the functions listed in this section  
6 shall do so in compliance with standards established by the electronic  
7 recording commission created under section 59.912;

8           (2) May receive, index, store, archive, and transmit electronic  
9 documents;

10           (3) May provide for access to, and for search and retrieval of,  
11 documents and information by electronic means;

12           (4) Who accepts electronic documents for recording shall continue  
13 to accept paper documents as authorized by state law and shall place  
14 entries for both types of documents in the same index;

15           (5) May convert paper documents accepted for recording into  
16 electronic form;

17           (6) May convert into electronic form information recorded before  
18 the recorder began to record electronic documents;

19           (7) May accept electronically any fee or tax that the recorder is  
20 authorized to collect;

21           (8) May agree with other officials of a state or a political  
22 subdivision thereof, or of the United States, on procedures or processes  
23 to facilitate the electronic satisfaction of prior approvals and conditions  
24 precedent to recording and the electronic payment of fees and taxes.

          59.912. 1. An "Electronic Recording Commission", consisting of  
2 seven members appointed by the governor with the advice and consent  
3 of the senate, is hereby created to adopt standards to implement the  
4 provisions of sections 59.900 to 59.921. A majority of the members of the  
5 commission shall be recorders. The commission shall consist of the  
6 following:

7           (1) A recorder elected to serve a county of the first classification;

8           (2) A recorder elected to serve a county of the second  
9 classification;

10          (3) A recorder elected to serve a county of the third classification;

11          (4) A recorder elected to serve a county regardless of  
12 classification;

13          (5) A member of the Missouri Bar;

14          (6) A representative of a company authorized to issue title  
15 insurance in the state of Missouri; and

16          (7) A member at large who is not a member of any group  
17 identified in subdivisions (1) to (6) of this subsection.

18          2. To keep the standards and practices of recorders in this state  
19 in harmony with the standards and practices of recording offices in  
20 other jurisdictions that enact substantially the provisions of sections  
21 59.900 to 59.921, the commission, so far as it is consistent with the  
22 purposes, policies, and provisions of sections 59.900 to 59.921, in  
23 adopting, amending, and repealing standards shall consider the  
24 following:

25          (1) Standards and practices of other jurisdictions;

26          (2) The most recent standards promulgated by national standard-  
27 setting bodies, including the Property Records Industry Association;

28          (3) The views of interested persons and governmental officials and  
29 entities;

30          (4) Standards requiring adequate information security protection  
31 to ensure that electronic documents are accurate, authentic, adequately

32 preserved, and resistant to tampering.

59.915. In applying and construing the provisions of sections  
2 59.900 to 59.921, consideration shall be given to the need to promote  
3 uniformity of the law with respect to its subject matter among states  
4 that enact such provisions.

59.918. The provisions of sections 59.900 to 59.921 modify, limit,  
2 and supersede the federal Electronic Signatures in Global and National  
3 Commerce Act, 15 U.S.C. Section 7001, et seq., but do not modify, limit,  
4 or supersede Section 101(c) of that act, 15 U.S.C. 7001(c), or authorize  
5 electronic delivery of any of the notices described in section 103(b) of  
6 that act, 15 U.S.C. Section 7003(b).

59.921. The provisions of sections 59.900 to 59.921 shall become  
2 effective January 1, 2007.

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Bill

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